

FILED
JUL 10 2023
A.C.J.C.

**SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT**

DOCKET NO: ACJC 2023-020

IN THE MATTER OF

**LEWIS J. KORNGUT,
JUDGE OF THE MUNICIPAL
COURT**

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FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Lewis J. Korngut (“Respondent”), says:

Facts

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1986.
2. At all times relevant to this matter, Respondent served as a part-time judge in the Municipal Court of the Township of Lawrence, a position to which he was first appointed in 2017, re-appointed in 2018 and 2021, and continues to hold. Respondent also served as a part-time judge in the Township of North Hanover, a position to which he was first appointed in 2020, re-appointed in 2023, and continues to hold.

3. Respondent's prior employment includes 16 years as an Assistant Prosecutor with the Mercer County Prosecutor's Office and 10 years as a Deputy Attorney General with the State of New Jersey, Office of the Attorney General, , Department of Law & Public Safety, Division of Criminal Justice, in the Office of the Insurance Fraud Prosecutor, and later as Assistant Attorney General, Chief of the Corruption Unit, and as Counsel to the Director of the Division of Criminal Justice.

Count I

4. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

5. Between January 2022 and June 2022, Respondent engaged the municipal prosecutor in *ex parte* conversations concerning pending court matters.

6. On or about April 29, 2022, in the matter of State v. Andre A. Hunt, Complaint Number S-2018-716, et. al., during a conference in Respondent's chambers with the municipal prosecutor, the public defender, and private defense counsel, Respondent reviewed an accident report that had not previously been made available to the municipal prosecutor and defense counsel and was not part of the court's file.

7. When the municipal prosecutor later advised Respondent of a potential resolution to the matter, Respondent inquired whether the police officers were consulted, which was not required to resolve the matter.

8. In the presence of the municipal prosecutor, public defender, and private defense counsel, Respondent spoke to the officer about the facts of the case.

9. Following Respondent's interaction with the police officer, private defense counsel immediately moved for Respondent's recusal, which Respondent denied.

10. In denying the motion, Respondent assured defense counsel that he was not prejudiced by anything contained in the accident report nor by anything he learned in speaking with a fact witness.

11. On or about May 10, 2022, during a conference with Respondent and the public defender in the matter of State v. Tyrone Thomas, Complaint Numbers 2017-000001 - 2017-000005, the municipal prosecutor advised Respondent that the State's case was weak due to the lack of corroborating statements or testimony from witnesses and the unavailability of the investigating police officer.

12. The matter resolved by plea and defendant was sentenced to thirty days in jail and credit for time served.

13. The defendant subsequently retained a private attorney. On or about May 17, 2022, defense counsel filed an emergent motion to permit withdrawal of defendant's guilty plea.

14. Prior to deciding defense counsel's motion to vacate the judgment, and outside of defense counsel's presence, Respondent engaged in a series of *ex parte* discussions with the municipal prosecutor about the merits of the motion and the

strength of the State's case, and subsequently advised the municipal prosecutor of the investigating police officer's retirement and availability to be subpoenaed for trial, which Respondent obtained via a telephone call to the Lawrence Township Police Department.

15. By initiating and engaging in *ex parte* communications about pending matters with the municipal prosecutor and police officers, Respondent violated Canon 3, Rule 3.8 of the Code of Judicial Conduct.

16. By his conduct as described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct expected of judges and impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

Count II

17. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

18. At various times during 2021 and 2022 in between trials and during downtime waiting for matters to begin, Respondent, on occasion, conversed with Lawrence Township police officers who were waiting in the hallway.

19. On or about July 27, 2022, Respondent was seen speaking with a Lawrence Township police officer in the hallway in front of a defendant against whom the

officer was to testify in the matter of State v. Kashon L. Cooper, Complaint Number E-21-2593.

20. On or about September 13, 2022, in the matter of State v. Ronald August Jr., Complaint Number E22-2006-49, Respondent stated to the defendant before him that a particular police officer who previously issued a summons to the defendant, “. . . is a buddy of mine, a great guy.”

21. In addition to fraternizing with police officers in court, Respondent socialized with the officers at public and private events outside of the courthouse.

22. On at least three occasions during his judicial tenure in Lawrence Township, the last being August 2, 2022, Respondent attended “National Night Out,” an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie held at the Municipal Center in Lawrence Township.

23. On or about August 31, 2022, Respondent appeared at a retirement party for the outgoing Chief of Police held in the municipal building and attended only by police officers.

24. Respondent attended various sporting events with Lawrence Township police officers and frequented a local Hooters restaurant with those police officers.

25. On or about August 22, 2022, the code enforcement officer in Lawrence Township showed the Court Administrator pictures of himself at a recent Giants football game that he attended using tickets he received from Respondent.

26. The code enforcement officer appears before Respondent regularly in respect of ordinance violations he issues to township residents.

27. In 2022, the code enforcement officer issued 74 ordinance violations to residents of Lawrence Township, 12 of which were issued subsequent to August 22, 2022.

28. By his conduct in fraternizing with Lawrence Township police officers in the courthouse and at social events, Respondent acted in a manner that cast reasonable doubt on Respondent's capacity to act impartially as a judge in violation of Canon 5, Rule 5.1 (B)(2) of the Code of Judicial Conduct.

29. By his conduct in gifting sporting event tickets to the code enforcement officer who regularly appears before Respondent, Respondent created the appearance of partiality in violation of Canon 3, Rule 3.17 (A) and (B) of the Code of Judicial Conduct.

30. By his conduct described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct expected of judges and impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

Count III

31. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

32. Although not directed at court staff, and not in the presence of litigants, Respondent has a propensity to use profanity, which is sometimes in relation to Respondent's inability to operate his laptop.

33. For example, Respondent made the following remarks on the record and within earshot of court staff and counsel:

- On or about May 18, 2022, Respondent stated, "I am going to throw this computer through the f*****g window."
- On or about June 15, 2022, Respondent stated, "I'm going to f*****g kill somebody," due to his frustration with his computer. Later that same day, Respondent stated, "Another computer just went f*****g black. Oh my God, this is a f*****g nightmare. This is a f*****g nightmare."
- On or about August 29, 2022, before a proceeding began, Respondent stated, "What the hell, what the f**k, these f*****g people."

34. Respondent's repeated use of profanity in the presence of court staff and counsel contravened Respondent's obligations under Canon 3, Rule 3.4, which requires a judge to maintain order and decorum in judicial proceedings, and Canon 3, Rule 3.5 of the Code of Judicial Conduct to treat all those with whom he deals with dignity, patience, and courtesy.

35. By his conduct as described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct expected of judges and impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that Respondent has violated the following canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 2, Rule 2.1, which requires judges to avoid impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary;

Canon 3, Rule 3.4, which requires judges to maintain order and decorum in judicial proceedings;

Canon 3, Rule 3.5, which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity;

Canon 3 Rule 3.8, which prohibits a judge from initiating *ex parte* communications concerning a pending or impending proceeding;

Canon 3, Rule 3.17 (A) and (B), which prohibits a judge from participating in proceedings in which their impartiality might reasonably be questioned; and

Canon 5, Rule 5.1 (B) (2), which prohibits a judge from participating in activities that would appear to reasonable, fully informed persons to undermine the judge's independence, integrity or impartiality.

DATED: July 10, 2023



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